

Litchfield Planning Board

September 15, 2009

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Minutes Approved 11/3/09

Members present:

Edward Almeida, Acting Chairman

Marc Ducharme, Clerk

Leon Barry

Carlos Fuertes

Steve Perry, Selectmen's Representative

Members not present:

Alison Douglas, Chairman

Jayson Brennen

Also present:

Joan McKibben, Administrative Assistant

Steve Wagner, Nashua Regional Planning Commission, Circuit Rider

AGENDA

1. HEARING - IMPACT FEE ANNUAL UPDATE PER LZO

**2. CTAP GRANT - DEVELOPMENT OF TWO INNOVATIVE LAND USE
ORDINANCES**

3. MARC DUCHARME - OPEN SPACE SUBDIVISION

**4. RESIDENTIAL DRIVEWAY REGULATIONS AND PERMIT
PROPOSED APPENDIX J LITCHFIELD REGULATIONS**

5. AMENDMENT TO RSA 674:33, I(b)

6. FLOODPLAIN ORDINANCE

ANY OTHER BUSINESS

- Approve 9/1/09 Minutes

- Correspondence

Acting Chairman Almeida called the meeting to order at 7:08 p.m.

1. IMPACT FEE HEARING

Mr. Wagner proceeded with reviewing the handout regarding the impact fee schedule.

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2 A few years ago an escalator clause was enacted to adjust for inflation which is based on
3 construction building cost index. An annual review of the impact fees is done in August
4 of each year. Mr. Bruce Mayberry is currently assessing Litchfield's impact fees to see if
5 they are in compliance. Mr. Perry asked if the Board gets something from Mr. Mayberry
6 in October, could it be replaced with what he recommends. Mr. Wagner: Yes, if we have
7 time to put the ordinance together.

8
9 Mr. Wagner indicated that he was not in favor of holding off approving this schedule. If
10 there was a change in the methodology, it would have to go before the townspeople. It
11 would depend on what changes are recommended by Mr. Mayberry.

12
13 It was pointed out that if an elementary school were not built, then the impact fee monies
14 collected would have to be returned.

15
16 The realignment of the fees would entail reviewing information that had been provided
17 by Mr. Gilmore (NRPC) and looking into the factors as to the cost of homes, and
18 recalculating the information so that the current numbers could change.

19
20 Acting Chairman Almeida opened the meeting to public comment. There was no public
21 comment.

22
23 Mr. Ducharme **MOTIONED** that we recommend to the Board of Selectmen to accept
24 our review of the Annual Impact Fee. Mr. Barry seconded. Mr. Barry asked if there
25 should be an amendment to the motion to indicate there may be an amendment at a later
26 time based on Mr. Mayberry's findings. It was said that Mr. Mayberry's findings would
27 supersede this if the cost factors change. Mr. Perry: Correct; we would just accept the
28 new factors or move it to Town Meeting. If Mr. Mayberry says the methodology of the
29 impact fee is correct, then no Town Meeting would be needed. If there were a radical
30 change, it would have to go to the townspeople. Motion carried 5-0-0.

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32 **2. CTAP GRANT**

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34 The second CTAP Grant was awarded in the amount of \$10,000. Mr. Almeida pointed
35 that the last grant that was awarded there was a subcommittee established and asked if the
36 Board wants to do the ordinance development itself or form a subcommittee. Mr. Wagner
37 pointed out that the Board needs to read the grant overview and criteria because it
38 indicates Nashua Regional Planning Commission is supposed to work with the Planning
39 Board to administer and develop the ordinance(s).

40
41 Talk shifted to developing a workforce housing ordinance making it available in 50% of
42 the Town.

43
44 Mr. Wagner: We could set up a district like we did for the elderly housing and set aside
45 one area in the north end of town for multi-family greater than 5 units...

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2 It was pointed out that developers are proposing townhouses. Most members do not want
3 to see five (5) townhouses on an acre of land because it will take the Town out of
4 character. It would be less out of character if it were allowed on 20 acres. It was pointed
5 out that if CTAP money were to be utilized, then it would actually be inclusionary
6 zoning.

7
8 Under this second grant for \$10,000 two ordinances are allowed to be developed but the
9 Board has to follow the template from the Innovative Zoning manual and the ordinances
10 would have to meet the requirements of inclusionary zoning.

11
12 Talk went on as to presenting the ordinance(s) to the townspeople. Mr. Wagner suggested
13 having someone from UNH and NRPC to try to explain it so they would hopefully
14 understand it better. Mr. Lynch questioned what Litchfield has for housing and what has
15 NRPC done to look at the housing needs.

16
17 Mrs. McKibben: When Ben Frost was here he said it did not matter what you had. You
18 have to make available land for the builders to build workforce housing.

19
20 Mr. Lynch: So, you take that section of Town that Steve (Wagner) is saying and go back
21 to that density factor.

22
23 The State is mandating workforce housing and has awarded Builders Remedy so if there
24 is no ordinance in place, the developers could basically do what they wanted. Another
25 concern is if allowing townhouses on one acre lots, people may come forth to place town
26 houses on their one acre lot and demolish their existing homes; so, it was suggested
27 making the requirement five (5) acres.

28
29 Mr. Wagner stated that workforce housing could be done through a conditional use
30 permit where you set up criteria like you would for a special exception, unique to single
31 family, without changing the ordinance. All in all, Mr. Wagner will come up with a draft
32 for inclusionary/workforce housing ordinance.

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34 **3. OPEN SPACE**

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36 Mr. Ducharme provided a copy of the proposed open space regulations with the changes
37 indicated at the last meeting. He pointed out that the ordinance, if enacted, would not
38 increase the number of buildable lots in Town than are currently allowed under existing
39 regulations. This is not just about density but getting some open spaces in Town.

40
41 Under *Applicability* added *reserve the right* to require all proposed subdivisions over 12
42 acres to be an Open Space Subdivision. The Board discussed the reason for the 12 acres
43 requirement. Some of the reasons include storm water management issues, conserving
44 sensitive areas, allow for open space, septic systems, etc.

On another matter, Mr. Wagner will get a definition of a yield plan.

Mr. Perry stated that public water should be a requirement in these developments similar to what was required in the Housing for Older Persons development. This led to talk about municipal sewage agreements with Nashua, Hudson or Manchester which should be researched for future developments.

As to frontage requirements, Mr. Ducharme said he was letting the septic rule, maybe require 90 feet. Mr. Perry was thinking more like 75 feet but said if 90 feet can work, he is okay with it. Mr. Ducharme is thinking ½ acre lots. Mr. Lynch suggested 10 foot separation between property lines; the Housing for Older Persons development is 30 foot separation. Mr. Perry suggested 15 foot separation.

The Open Space development ordinance review will be discussed at the next meeting.

4. DRIVEWAY REGULATIONS

Steve Wagner provided changes to the driveway regulations but he said he still needs to meet with Kevin Lynch. The driveway permits will be issued by the Code Enforcement Officer of which the Road Agent has no problem with it. As far as the fees, it was felt since the homeowner would be doing work in the Town right-of-way that a permit would be required even if it were just to pave their existing driveway. The whole purpose of a driveway permit is for safety, drainage issues, ice issues, etc.

Mr. Wagner went over the changes made to the regulations as indicated at the last meeting.

Application - Deleted “*it is recommended to contact the administrator or planning board staff for their procedures, fees and deadlines prior to submission.*” Mr. Wagner needs to come up with some language. Also, the Board needs to come up with the fees of which Mr. Lynch said he would get some figures from other towns.

The section on side by side driveways was deleted.

Section 1.6.3.1 f. states *designed by a N.H. licensed civil engineer*. Mr. Ducharme suggested taking out the word *civil* because the State just licenses as engineers.

Section 1.6.3.1 1 c. added *corrugated metal pipe may not be permitted...*

Section 1.6.3.1 1 l. deleted the asterisk.

Section 1.6.3.1 1 u. deleted the whole section.

Section 1.6.3.1 1 c. Mr. Perry suggested taking out “(*i.e. flared ends*).” This was discussed. Add after specifications “*or as approved*”.

Talk ensued about requiring a permit for existing driveways. It was stated that if an existing driveway does not meet site distance, the driveway may need to be relocated.

Page 4 - Paved driveway apron states *the portion of any driveway within the State or Town right-of-way or not less than 15 feet...shall be paved to protect the roadway prior to issuance of certificate of occupancy*. Mr. Perry: What if a house does not have a paved driveway? Where does it fall in because they would never apply for a permit to redo their driveway? Mr. Wagner: Some will fall through the cracks.

Mr. Lynch: Was it the Board's position on certain road construction methods that it be required to be done like a closed loop system? Mr. Ducharme: The idea was to prevent that two or three inch drop off in someone's driveway and having them call the Town and saying you have a drop off on your road that was caused by the driveway.

Mr. Lynch: ...let's say we have an unpaved road; we confirm, we have that one-drop, you are going to have that no matter what.

Mr. Ducharme: It will exist but it will not exist at the edge of the Town's roadway. That is going to exist backward on this person's property and it will be theirs to maintain.

Mr. Lynch: It won't. Based on the curb cut method on a berm road construction detail that is different...cape cod berm roads is basically what we are talking about where you will get an inch and a half drop...you are trapping the road water not to go onto the lots.

Further talk went on about closed drainage systems versus open systems. Mr. Lynch will provide a typical berm type driveway detail.

The word *separeability* is spelled wrong; it should be *separability*.

Section 1.3 - Mr. Barry pointed out at the last meeting that it was agreed to have a definition section. Mr. Wagner did not have a chance to do this section. Mr. Lynch said he would prefer all definitions be located in one area of the zoning book. Mr. Barry suggested that the page numbers be added to the definition section of the zoning book in order to find them quicker. Mr. Wagner said that the definitions listed in the driveway ordinance not listed in the current site plan or subdivision regulation will be added to the definition section.

Mr. Almeida mentioned that Chief Schofield had indicated there are some driveways in Town that he would not want to take a fire truck on. Mr. Lynch: I look at this and all driveways all over N.H. and the regulations that Steve has put together...we are no different. To drive a truck down a driveway...when you build a house is good right now, 12 foot wide. There are those people that do not trim the trees as things grow along their driveway. That is their issue; it is not mine. When I look at a new house, 95% of the time you can drive a truck but what happens over the years is as trees grow, it becomes blocked...that is a maintenance issue.

Mr. Lynch feels it is the homeowner's responsibility to maintain their driveway.

5. AMENDMENT RSA 674:33 I(b)

The Administrative Assistant passed out information received from the Zoning Board that Chairman Douglas wanted Board members to read. These are the rules that the Zoning Board now have to follow.

6. FLOODPLAIN ORDINANCE

All the information for the floodplain maps has been forwarded to the State. The Selectmen did hold a hearing to accept the changes.

ANY OTHER BUSINESS

Minutes - Mr. Barry **MOTIONED** to accept the minutes of September 1, 2009, as amended. Mr. Perry seconded. Motion carried 2-0-3.

There being no further business, Mr. Barry **MOTIONED** to adjourn the meeting. Mr. Fuertes seconded. Motion carried 5-0-0. The meeting adjourned at 10:00 p.m.

Edward Almeida, Acting Chairman

Marc Ducharme, Clerk

Leon Barry

Carlos Fuertes

Steven Perry, Selectman

Lorraine Dogopoulos
Recording Secretary

Litchfield Planning Board

September 15, 2009

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